

REMARKS

Claims 38-74 are pending and under current examination. Applicants have amended claims 38 and 52. Support for these amendments may be found in the specification at, for example, p. 2, ll. 10-24 and p. 3, ll. 10-14.

In the Final Office Action¹, the Examiner rejected claims 38-68 and 70-74 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,857,152 ("Everett") in view of U.S. Patent Application Publication No. 2002/0032506 A1 ("Tokitsu"); and rejected claim 69 under 35 U.S.C. § 103(a) as being unpatentable over Everett in view of Tokitsu, and further in view of U.S. Patent Application Publication No. 2004/0267645 A1 ("Pollari"). Applicants respectfully traverse the rejection for the following reasons.

Rejection of Claims 38-68 and 70-74 under 35 U.S.C. § 103(a):

Applicants request reconsideration and withdrawal of the rejection of claims 38-68 and 70-74 under 35 U.S.C. § 103(a) as being unpatentable over Everett in view of Tokitsu.

The Office still has not properly resolved the *Graham* factual inquiries, as required to establish a framework for an objective obviousness analysis. See M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007). In particular, the Final Office Action has not properly determined the scope and content of the prior art, at least because the Final Office Action incorrectly interpreted the content of Tokitsu. Specifically, Tokitsu does not teach or suggest what the Final Office Action attributes to Tokitsu. In addition, the Final Office Action has not properly ascertained the differences between the

¹ The Final Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any statements in the Final Office Action.

claimed invention and the prior art, at least because the Final Office Action has not interpreted the prior art and considered both the invention and the prior art as a whole. See M.P.E.P. § 2141(II)(B).

First, Applicants point out the rejection is improper at least because the Examiner's interpretation of Applicants' claim language in the Final Office Action is not consistent with Applicants' specification. See M.P.E.P. § 2111 ("During patent examination, the pending claims must be 'given their broadest reasonable interpretation consistent with the specification'" (internal citation omitted)). Specifically, Applicants' specification recites that "GPS-based solutions do not allow the control center to understand, in a reliable way, if the vehicle has really entered the pre-determined area." Specification, p. 2, ll. 13-15 (emphasis added). That is, Applicants' specification discloses the *shortcomings* of the GPS-based solutions and thus, the "non-GPS wireless communication link" recited in claim 38 between the moving object and the control center cannot be a GPS-based connection. Therefore, the rejection of claims 38-68 and 70-74, based on Tokitsu, which teaches a GPS-based communication link, is improper because the Examiner's interpretation of the claim language is not consistent with Applicants' specification.

Nevertheless, in order to advance prosecution, Applicants have amended independent claims 38 and 52, to exclude GPS as part of the claimed "wireless communication link." Thus, Applicants traverse the 35 U.S.C. § 103(a) rejection for the following additional reasons.

The Final Office Action admitted that Everett fails to teach Applicants' claimed "performing said registration operation by establishing a wireless communication link of the long-range type between said moving object and said control center upon activation of said mutual interaction on the wireless short range communication link" (independent claim 38). See

Final Office Action, p. 4. The Final Office Action then alleged that “[t]he concept of ‘wireless communication link of long-range type’ is clearly taught in Tokitsu.” Final Office Action, p. 2. According to the Final Office Action, “it is the [GPS] satellite transmitting radio signal to the in-vehicle [device] which is read on [the wireless communication link of] long range type.” *Id.* Applicants respectfully disagree.

Tokitsu does not cure the deficiencies of Everett. For example, Tokitsu discloses that “[e]ach roadside unit 3 communicates with the in-vehicle apparatus 1 through a well known DSRC radio system having a short communication range of about 3 to 30 m.” Tokitsu, par. [0033] (emphases added). Therefore, contrary to the Examiner’s allegation, the communication method between a roadside unit 3 and the in-vehicle apparatus 1 is a short range method. *See Id.* That is, even though Tokitsu discloses a GPS receiver installed in the vehicle for providing vehicle position information by communicating with GPS satellites, such a GPS-based communication link cannot constitute the “non-GPS wireless communication link of the long-range type,” as recited in claim 38, because amended claim 38 *excludes* a GPS-based communication link.

Therefore, Everett and Tokitsu, taken alone or in combination, do not teach or suggest at least Applicants’ claimed “performing said registration operation by establishing a non-GPS wireless communication link of the long-range type between said moving object and said control center upon activation of said mutual interaction on the wireless short range communication link,” as recited in amended claim 38 (emphasis added).

Thus, the Final Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. In view of the reasoning presented above, Applicants therefore submit that

independent claim 38 is not obvious over Everett and Tokitsu, whether taken alone or in combination. Independent claim 38 should therefore be allowable.

Independent claim 52, while different in scope, recites elements similar to independent claim 38, and should also be allowable for the same reasons as claim 38. Dependent claims 39-51, 53-68, and 70-74 should also be allowable at least by virtue of their respective dependence from base claim 38 or 52. Accordingly, Applicants request the withdrawal of the 35 U.S.C. § 103(a) rejection.

Rejection of Claim 69 under 35 U.S.C. § 103(a):

Applicants request reconsideration and withdrawal of the rejection of claim 69 under 35 U.S.C. § 103(a) as being unpatentable over Everett in view of Tokitsu alone or further in view of Pollari.

As explained above, Everett and Tokitsu, whether taken alone or in combination, do not render Applicants' independent claim 52 obvious. Pollari still does not cure the deficiencies of Everett and Tokitsu, as to independent claim 52, or dependent claim 69. For example, Pollari discloses a wireless terminal and an operator network adapted to enable billing a user for use of an application hosted by the wireless terminal. *See Pollari*, Abstract. However, Pollari does not disclose or teach anything about a wireless communication link between a moving object and a control center in its entire disclosure. Thus, the teachings of Pollari are also clearly different from Applicants' claimed "said object communication and control module being further configured for establishing a long range non-GPS wireless communication link with said control center," as recited in independent claim 52.

In view of the reasoning presented above, Applicants submit that independent claim 52 is not obvious over Everett, Tokitsu, and Pollari, whether taken alone or in combination.

Independent claim 52 should therefore be allowable. Dependent claim 69 should also be allowable at least by virtue of its dependence from base claim 52. Accordingly, Applicants respectfully request the withdrawal of the 35 U.S.C. § 103(a) rejection.

Conclusion:

Applicants request reconsideration of the application and withdrawal of the rejections. Pending claims 38-74 are in condition for allowance, and Applicants request a favorable action.

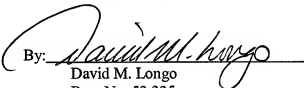
If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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